

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

:
Plaintiff,

:
vs.

Case No. 3:17cr161 & 3:17cr162

JON CHRISTOPHER BIRT,

:
JUDGE WALTER H. RICE

:
Defendant.

DECISION AND ENTRY OVERRULING DEFENDANT'S MOTION FOR
BOND REVIEW/MOTION FOR RELIEF FROM DETENTION ORDER (DOC.
#45 IN CASE NO. 3:17CR161 AND DOC. #73 IN CASE NO. 3:17CR162);
REASONING SET FORTH

Having reviewed the initial report from the Pretrial Services Office, the transcript of the detention hearing before United States Magistrate Judge Michael J. Newman (held on October 6, 2017) (Doc. #44 in Case No. 3:17cr161), and the Defendant's Motion for Bond Review/Relief from Detention Order (Doc. #45 in Case No. 3:17cr161 and Doc. #73 in Case No. 3:17cr162) and Government's Memorandum in Opposition thereto (Doc. #46 in Case No. 3:17cr161 and Doc. #78 in Case No. 3:17cr162), this Court concludes that the Defendant has not rebutted the presumption of detainability set forth in 18 U.S.C. §3142(e) and (f)(1). In addition, this Court concludes that there exists no condition or combination of conditions such as to guarantee the appearance of the Defendant as required and/or the safety of any other person or the community.

In ruling as aforesaid, this Court sets forth the following reasons: two prior felonies, one involving the offense and conviction of rape, for which he served 25 years in prison and for which he has been classified as a Tier III offender with no expiration date; significant substance

abuse history; the commission of the alleged offenses, within two years of release from a 25 year prison sentence, involving both fentanyl and methamphetamine, as well as heroin and two grams of suspected crack cocaine, along with \$6,000; laboratory results confirming the recovered substances testing positive for methamphetamine, heroin/acetyl fentanyl, and crack cocaine; one controlled buy; the execution of five federal search warrants at Defendant's residence, which recovered fentanyl and methamphetamine, along with five firearms (which he was prohibited to possess due to this status), along with 4.13 grams of fentanyl, 37.26 grams of methamphetamine and 1,198 tablets resulting in a net weight of 85 grams of fentanyl; his statements to law enforcement officers, the details of which are set forth on page 3 of the Affidavit attached to the criminal Complaint; one of the above two Indictments involves an alleged conspiracy to distribute drugs inside the Chillicothe Correctional Institution in Chillicothe, Ohio; and the home to which he purports to return is the very same one in which the above-referenced search warrant was executed.

The Court certainly understands the situation involving the Defendant's half-brother, and that this sibling needs to have the care rendered by the Defendant herein. However, without intending in any way, shape or form to seem callous, the care of his half-brother allegedly did not prevent the Defendant from involving himself in the alleged offenses for which a duly impaneled Grand Jury has found probable cause.



February 21, 2018

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record